

May 10, 2018



Talbot County Planning Commission
Final Decision Summary

Wednesday, April 4, 2018 at 9:00 a.m.

Wye Oak Room, Community Center

10028 Ocean Gateway, Easton, Maryland

Attendance:

Commission Members:

John N. Fischer, Jr., Chairman
Paul Spies, Vice Chairman (absent)
William Boicourt
Michael Sullivan (absent)
Phillip "Chip" Councill

Staff:

Mary Kay Verdery, Planning Officer
Miguel Salinas, Assistant Planning Officer
Brennan Tarleton, Planner I
Elisa Deflaux, Environmental Planner
Martin Sokolich, Senior Planner
Tony Kupersmith, County Attorney
Carole Sellman, Recording Secretary

1. Call to Order—Commissioner Fischer called the meeting to order at 9:12 a.m.

2. Decision Summary Review—January 16, 2018—The Commission noted the following corrections to the draft decision summary:

- a. Line 89, page 2, when sewer created (go through and correct).
- b. Line 98-114, not clear, look at percentages and clarify.
- c. Line 171, strike "wanted to say" insert "stated that".
- d. Line 197, delete "in front of him".
- e. Line 292, strike "and asked what we should do" and insert "for advice".

Commissioner Boicourt moved to approve the draft Planning Commission Decision Summary for January 16, 2018, as amended. Commissioner Councill seconded the motion. The motion carried unanimously.

3. Decision Summary Review—March 7, 2018—The Commission noted the following corrections to the draft decision summary:

- a. Line 163, remove "Topics of public comments" and replace with "Public Hearing and Work Session comments".
- b. Line 265, remove "Topics of public comments" and replace with "Public Hearing and Work Session comments".

Commissioner Boicourt moved to approve the draft Planning Commission Decision Summary for March 7, 2018, as amended. Commissioner Councill seconded the motion. The motion carried unanimously.

4. Old Business—None.

56
57 **5. New Business**
58

59 a. Public Hearing—Chapter 190, Zoning, Subdivision and Land Development
60 Ordinance
61

62 Thirty people provided comments on topics including noise and amplified outdoor
63 music, transfer of development rights, event venues, and short term rentals.
64

65 b. Work Session—Chapter 190, Zoning, Subdivision and Land Development
66 Ordinance
67

68 Ms. Verdery guided the Planning Commission through the most recent changes to
69 include the opportunity of designating an LDA of less than 20 acres on property
70 not adjacent to an existing LDA as well as the criteria to establish new LDA or
71 IDA areas. These changes have been reviewed by Critical Area staff.
72

73 Commissioner Fischer asked if the County Council would be provided with
74 anything that showed the rationale behind their decisions on changes to Chapter
75 190. Ms. Verdery responded that the matrix, which was distributed, has a column
76 for Planning Commission comments.
77

78 **The Planning Commission recommended adding in the definition of the**
79 **agricultural production land use an example for indoor growing or farming**
80 **operations, such as hydroponics.**
81

82 **The Planning Commission recommended in the VH and VM zoning districts**
83 **to designate Farm-based recreation as a special exception and to prohibit**
84 **Direct farm marketing, harvesting, education in the village districts.**
85

86 Mr. Salinas suggested changing the proposed land use, Farm-to-table restaurant,
87 to On-farm restaurant with the provisions that: food franchises are strictly
88 prohibited; commercial kitchens must comply with all state and local regulations,
89 site plan approval is required; the Gross Floor Area cannot exceed 4,000 sq. ft.;
90 minimum lot size of 20 acres, the property must be actively farmed; buffers are
91 required; and the menu is to prominently feature products grown on the farm.
92

93 Ms. Verdery suggested language that breaks Restaurants into two categories:
94 (1) restaurants with outdoor events, and (2) restaurants without outdoor events.
95 Commissioner Cuncell inquired about an assurance that if the land is sold, there
96 is some guaranty that the new owner abides by the Special Exception.
97

98 **The Planning Commission recommended that both Restaurant land use**
99 **categories would require a special exception in the VH and VM zoning**
100 **districts. The Planning Commission also recommended that a Noise**

101 **Compliance Plan would be developed and reviewed as part of the Special**
102 **Exception.**

- 103
- 104 • Adjourn for lunch at 12:25 pm
 - 105 • Reconvene at 1:11 pm
- 106

107 **The Planning Commission recommended that the Medical clinics, outpatient**
108 **facilities, urgent care centers, medical laboratories land use be permitted in**
109 **the VM zoning district.**

110

111 Ms. Verdery explained that the Property maintenance and landscape contractors
112 land use requires a minimum of ten acres and is a Special Exception in all of the
113 Conservation Districts, with the exception of the RC zoning district, as well as in
114 the VM zoning district. She also explained that the accessory land use, Storage
115 buildings prior to construction of a principal structure, is permitted by special
116 exception in all districts except for the Commercial/Industrial Districts. If you
117 have your building permit in for your house and you want to put up a temporary
118 structure until your primary building is completed, she stated, you can obtain a
119 Temporary Use Certificate.

120

121 Staff stated that the Farm alcohol production facility land use requires a 20 acre
122 minimum lot size and the property must be granted agricultural assessment by the
123 Maryland Department of Assessment and Taxation.

124

125 **The Planning Commission recommended that the maximum stay for guests**
126 **at Inns shall not exceed 14 days.**

127

128 Staff recommended that Event Venues be split into two categories. The first
129 category is Event Venue, Accessory to Agriculture, which would require a site
130 plan with details specific to the number of guests, indoor and outdoor areas,
131 traffic management, public safety, setbacks and screening. The minimum lot size
132 for this use would be 20 acres and the property must be given agricultural
133 assessment by the Department of Assessment and Taxation. The second category
134 is Event Venue, Accessory which may only be located on a property that contains
135 an existing principal institutional, commercial or marine use and is allowed only
136 by Special Exception in all zoning districts. A site plan is required for this
137 classification and there is no outdoor music permitted outside the hours of 9am
138 and 10pm. For both land uses, all structures are required to be permitted and
139 classified for occupancy by the Building Official and all food and on-site
140 sewerage proposed must be approved by the Environmental Health Department.

141

142 There was discussion of the Talbot Country Club, Miles River Yacht Club, and
143 Harbourtowne. Ms. Verdery stated they are all in the RR zoning district and they
144 have requested to be declared legal nonconforming.

145

Commissioner Councell suggested that in the VM zoning district, an event venue should have a noise compliance plan. Mr. Salinas and Ms. Verdery stated that there may need to be a third category of event venues for the villages.

Staff stated that the Golf courses and country club land use changed to permit weddings and outdoor events with no more than 12 per year.

The Planning Commission recommended adding the words “unrelated to common club events” to the Golf course and country club regulations. The Planning Commission also recommended that similar language should be applied to the yacht club section.

Ms. Verdery presented the Commission with the letters which had been received regarding noise. There were over 350 letters, one set supports music, one set supports music and the Wylder Hotel, and one set supports music and had specific comments. The petitions were specific in requesting reasonable times and levels and that there should be accommodation to allow for outdoor music. Additional discussion was held on noise, including the ability of the Board of Appeals to set the frequency and times of outdoor music and other parameters and the Board’s ability to impose stricter time cut-offs for certain sites. Commissioner Councell stated there should be a permit process with the special exception such that if the business should change hands or management the new owner or manager apply for a new permit.

Staff noted that the requirement of gross vehicle weight limitation for the Cottage Industry accessory land use was deleted. Staff also noted the Office of Law clarified some issues regarding retail sales related to Home Occupations and Cottage Industries.

Staff stated that when the accessory dwellings section was revised it consolidated apartments, guest house and tenant house and reclassified them as accessory dwellings. Under the draft revisions, a property cannot rent the primary and accessory units to different tenants or sell the accessory structure separate from the primary. There are situations in villages where one parcel had two separate structures being rented to different tenants at the same time. In the village of Royal Oak, for example, there are structures on the same property being rented for reasonable rates to allow for workforce housing. There was a request from a property owner not to require the restriction. Ms. Verdery stated she could issue a certificate of non-conformity for those structures.

The Planning Commission recommended the issuance of a certificate of non-conformity for existing primary and accessory dwelling units rented to different tenants on the same parcel, but not to allow it in the future; the property owner is required to live in the primary and rent the accessory, but not rent both structures to two unrelated renters.

The Planning Commission agreed with staff's recommendation to specify that unconditioned gross floor area shall not count toward the size limit for an accessory dwelling within an accessory structure.

Staff noted that there are no limits to the number of birds for Poultry on residential lots.

There was a lengthy discussion on Short-Term Rentals. Commissioner Councill felt we need to give the STR Review Board a chance to work, as did Commissioner Boicourt. The Planning Commission discussed prohibiting new licenses on lots less than 2 acres. However they agreed they were more in favor of new Short-Term Rentals having to comply with a distance separation.

The Planning Commission also proposed that no new Short-Term Rental licenses be allowed on properties within 500 feet of properties with an existing license.

There was discussion of how many properties are currently being used as Short-Term Rentals and their effect on the character of neighborhoods. It was mentioned that some properties have been built with the intention to be used as Short Term Rentals.

The Planning Commission recommended that Short-Term Rentals be allowed only in the primary structure that exists as of the date of this Ordinance and agreed that the parking requirements were sufficient.

The Planning Commission also recommended extracting the section dealing with corporate entities and insert it into the Short-Term Rental application.

Staff clarified that a farm market can be a retail market that sells products grown on site or products predominantly from the Delmarva Peninsula. The definition section for this land use was revised.

Regarding TDRs allowed in limited opportunities, Commissioner Councill expressed an interest in the idea, but felt it was too late in the game to add changes in regards to a County process. It was suggested that it needs to be addressed at the appropriate time because it is a complicated topic.

The Planning Commission recommended revisiting TDRs after the Code update is complete.

The Planning Commission decided to take no action on regulations for long-term rentals and also the location of trash cans on residential lots.

Staff received no additional comments on the recommended mapping of village zoning districts.

Staff noted that Cottage Industry uses on lots larger than 5 acres are permitted to have outdoor storage and are limited to areas approved through the site plan process.

c. Recommendation to County Council—Chapter 190, Zoning, Subdivision and Land Development Ordinance

A Motion was made to continue meeting to Monday, April 9, 2018 at 5:00 pm.

6. Discussions Items

7. Staff Matters

8. WorkSessions

9. Commission Matters

10. Adjournment—Commissioner Fischer adjourned the meeting at 4:25 p.m.

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